

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-CR-00145-RJC

USA

v.

RICKY CARLOS GRANT (1)

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ORDER

THIS MATTER comes before the Court upon the defendant's motions for copies of documents and transcripts related to his criminal case. (Doc. Nos. 268, 269). This Court entered its Judgment on November 10, 2017, (Doc. No. 219: Judgment), which was affirmed by the United States Court of Appeals on February 21, 2019, (Doc. No. 265: Opinion). The defendant seeks the materials at government expense in anticipation of filing "pro se appeals."

In order to obtain copies of transcripts at government expense, a defendant must show that he is indigent and that the transcripts "are needed to decide the issue presented by the suit ..." 28 U.S.C. § 753(f). Additionally, a court may order a clerk of court to provide documents to a petitioner who has been granted permission to proceed in forma pauperis on an application for a writ of habeas corpus. 28 U.S.C. § 2250. However, a prisoner is not entitled to free transcripts and documents without a showing of need, merely to comb the record in hopes of discovering some flaw, United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963), particularly when no appeal is pending and a § 2255 motion has not been filed, In re O'Kane, 91 F.3d 132, at *1 (4th Cir. June 27, 1996) (unpublished). Additionally, a court is without authority to order former counsel to provide such materials to a defendant. Id.

Here, the defendant has not filed a § 2255 motion and has not shown a particularized need for transcripts and documents to decide a pending issue. Therefore, the defendant's motion will be denied. He may request, at his own expense, the reproduction of the documents and transcripts from the Clerk of Court at the rate of \$.50 per page, paid in advance. 28 U.S.C. § 1914. According to the practice in this District, the defendant must submit the list of requested documents in writing to the Clerk's Office, Charles R. Jonas Federal Building, Room 210, 401 West Trade Street, Charlotte, North Carolina, 28202, and pre-pay by cash, check, or money order payable to Clerk, United States District Court.

IT IS, THEREFORE, ORDERED that defendant's motions for documents and transcripts, (Doc. No. 268, 269), are **DENIED**.

Signed: September 27, 2019

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

